

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,077	04/12/2001	James O. Robarts	294438025US1	3869
25096	7590	07/02/2004	EXAMINER	
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,077

Applicant(s)

ROBERTS ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 and 72-75 is/are rejected.
- 7) ☒ Claim(s) 70 and 71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Z</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2173

DETAILED ACTION

1. This Office Action is in response to the patent application number 09/835,077 filed 4/12/2001.

Priority

2. The patent application claims priority from US Application number 09/216,193, filed December 1998.

Information Disclosure Statement

3. The submitted Information Disclosure Statement has been considered and entered into the file.

Status of the claims

4. The pending claims 1-75 are examined herein as follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2173

5. Claims 24-29, 32, 33, 53, 55-59, AND 72-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Theimer et al (US Pat No 5,493,692).

With regard to claim 24:

Theimer discloses a method for selectively delivering electronic messages to an identified user based on context and the environment. The method further discloses a plurality of agents including a user agent that collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (column 8, lines 45-58; column 9, lines 21-40; 42-49). The user agents manage all incoming and outgoing messages in association with user profiles, policies and preferences (or interests) of the user (column 9, lines 60-column 10, lines 21).

Theimer further discloses the user agent receiving one or more messages from different sources, such as, for example, a user's location from badge service, Input monitor service or any other service (GPS)(column 8, lines 45-58).

Theimer further discloses based on the user profile, policies and preferences incoming and outgoing messages are managed and distributed to each target user (column 9, lines 60-column 10, lines 21).

With regard to claim 25:

Theimer further discloses that the user's preference (interest data) is derived at the client computing devices based on the user's context (column 9, lines 60-column 10, lines 21).

With regard to claim 26:

Theimer further discloses the user's preference (interest data) is derived

Art Unit: 2173

at the client computing devices based on the user's preferences (column 10, lines 3-21).

With regard to claim 27:

Theimer further discloses distributing selected messages to the client computing devices of the users who are determined to be interested in the selected messages (column 10, lines 3-38).

With regard to claim 28:

Theimer discloses a computer including among other things one or more sensors to detect environmental conditions of a user (column 8, lines 45-58). For example some of the sensor devices include GPS and Active badges, wherein each detects environmental conditions of a user.

Theimer also discloses a plurality of hand held devices to receive and transmit messages (column 6, lines 28-45, Fig. 2)

Theimer also discloses a processing unit (Fig. 2) operatively coupled to the receiver and the one or more sensors (column 6, lines 28-45).

Theimer further discloses characterization information (software module) that executes on the processing unit to select certain messages based on the user's environmental conditions (column 8, lines 27-39).

With regard to claim 29:

Theimer further discloses that the sensors gather data pertaining to at least one of a physical environment of the user, and computing environment of the user, and a data environment of the user (column 8, lines 45-58).

Art Unit: 2173

With regard to claim 32:

Theimer further discloses agents that may consist several modules (a user's context module and a characterization module) are responsible for implementing the agents responsibilities for specific applications or performing specific operations, such as characterizing information to determine user's context and to evaluate the message the user receives (column 8, lines 27-58; column 23, lines 25-34).

With regard to claim 33:

Theimer discloses distributing information to a plurality of small hand held mobile devices (e.g., Tabs and Pads), which may be called as wearable computers (fig. 2, column 6, lines 28-45) that can be worn by the user. For example Tabs and Pads are held (worn) in hand.

With regard to claim 53:

Theimer discloses a method for selectively delivering electronic messages to an identified user based on context and the environment. The method further discloses a plurality of agents including a user agent that collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (column 8, lines 45-58; column 9, lines 21-40; 42-49). The user agents manage all incoming and outgoing messages in association with user profiles, policies and preferences (or interests) of the user (column 9, lines 60-column 10, lines 21).

Art Unit: 2173

Theimer further discloses the user agent receiving one or more messages from different sources, such as, for example, a user's location from badge service, Input monitor service or any other service (GPS)(column 8, lines 45-58).

Theimer further discloses determining whether a group of related information is appropriate for the user based on the computer user's context (Theimer, column 25, lines 46-51).

With regard to claim 55:

Theimer further disclose modeling the computer user's context based on the monitoring (column 8, lines 45-58; column 9, lines 21-40; 42-49).

With regard to claim 56:

Theimer further discloses presenting the group of related information to the user after it is determined to be appropriate for the user (Theimer, column 25, lines 46-51).

With regard to claim 57:

Theimer further discloses before the presenting, determining an appropriate manner of presenting the group of related information based on the computer user's context (Theimer, column 25, lines 46-51).

With regard to claim 58:

Theimer further discloses determining whether to delay the presenting of the group of related information to the user (Theimer, column 25, lines 46-67).

With regard to claim 59:

Theimer further discloses determining of whether the group of related information is appropriate for the user based on the computer user's context

Art Unit: 2173

includes applying one or more filters to the group of related information that are selected based on the computer user's context (Theimer, column 25, lines 46-51).

With regard to claim 72:

Theimer discloses a method for selectively delivering electronic messages to an identified user based on context and the environment. The method further discloses a plurality of agents including a user agent that collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (column 8, lines 45-58; column 9, lines 21-40; 42-49).

The user agents manage all incoming and outgoing messages in association with user profiles, policies and preferences (or interests) of the user (column 9, lines 60-column 10, lines 21).

Theimer further discloses the user agent receiving one or more messages from different sources, such as, for example, a user's location from badge service, Input monitor service or any other service (GPS)(column 8, lines 45-58).

Theimer further discloses presenting to the user virtual information in a manner that is integrated with the real world information, the presenting based on the monitored computer user's context (column 8, lines 45-58; column 9, lines 21-40; 42-49).

With regard to claim 73:

Theimer further discloses that the computer user has an associated wearable computing device (fig. 2, column 6, lines 28-45), and wherein the

Art Unit: 2173

presenting of the virtual information is performed using at least one output device of the wearable computing device (fig. 2, column 6, lines 28-45),

With regard to claim 74:

Theimer further discloses that the virtual information includes monitored computer user's context information (column 8, lines 45-58; column 9, lines 21-40; 42-49).

With regard to claim 75:

Theimer further discloses modifying functionality provided to the user based on the monitored computer user's context (column 8, lines 45-58; column 9, lines 21-40; 42-49).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined

Art Unit: 2173

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 50-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz (US Pat No 6,460,036).

Herz related to customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a target profile for each target objects in the electronic media.

With regard to claim 50:

As per "an interest module," Herz discloses a plurality of modules including interest feedback module that uses interest feedback from users to construct a "target profile interest summary" for each user, for example in the form of a "search profile set" consisting of a plurality of search profiles, each of which corresponds to a single topic of high interest for the user (column 6, lines 44-62).

As per "a message store," Herz also discloses a server that is presumed to be continuously on-line and functions to both collect files from various sources on the data communication network N for access by local clients C1-Cn and collect files from local clients C1-Cn for access by remote clients. The server is equipped with persistent storage (column 30, lines 58-66).

As per "an interest rule registry," Herz also discloses a target profile interest summaries stored at proxy servers. The integrity of the user profiles and target profile interest summaries stored on proxy servers is important: if a seller

Art Unit: 2173

relies on such user-specific information to deliver promotional offers or other material to a particular class of users, but not to other users, then the user-specific information must be accurate and un tampered with in any way (column 33, lines 52-58, column 52, lines 11-19).

As per "a match module," Hertz further discloses a profile matching module 203 resident on proxy server (column 57, lines 20-35).

With regard to claim 51:

Hertz further discloses the interest module defines the interest criteria based on user preferences and the user's context (column 18, lines 49-column 19, lines 11).

With regard to claim 52:

Hertz further discloses that the system certifies the messages that satisfy the interest criteria (column 57, lines 39-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 7-22, 30-31, 34-39, 41-46, 48-49, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (US Pat No 5,493,692) in view of Paul US Pat No 5,999,932).

Art Unit: 2173

With regard to claim 1:

Theimer discloses a method for selectively delivering electronic messages to an identified user via particular computer devices based on the context of the user (see Theimer, column 4, lines 28-42), the method includes, among other things a user is represented in a system by UserAgent, likewise device in the system is represented by a DeviceAgent. The user agent collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (column 8, lines 45-58; column 9, lines 21-40; 42-49).

Theimer further discloses the user agent receiving one or more messages from different sources, such as, for example, a user's location from badge service, Input monitor service or any other service (GPS)(column 8, lines 45-58).

Although Theimer describes in the step in box 432 (Fig. 4) ***evaluating*** the message based on the context of the recipient and the priority of the message, but Theimer does not explicitly describe "filtering," that is Theimer does not describe that the user policies act as filters in processing the messages or requests from a user, therefore, "filtering the messages based on the user's context." Is not expressly disclosed.

Paul on the other hand describes a system and method for filtering unsolicited electronic mail message using data matching and heuristic processing (abstract).

Paul and Theimer are analogous art because they are from the same field of endeavor, electronic message processing.

Art Unit: 2173

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the electronic messages of Theimer the filtering mechanism as specified by Paul.

The suggestion/motivation for doing so would have been to effectively filtering and eliminating electronic unsolicited mail messages (Abstract, column 2, lines 1-19).

Therefore it would have been obvious to combine Theimer with Paul to obtain the invention as specified in claim 1.

With regard to claim 2:

Theimer in view of Paul further discloses that the one or more messages include among other things unsolicited advertisements (Paul, Abstract).

With regard to claim 3:

Theimer in view of Paul further discloses that the user agent collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (Theimer, column 8, lines 45-58; column 9, lines 21-40; 42-49), wherein tracking (or monitoring) includes among other things at least monitoring a physical environment of the computer user (Theimer, column 8, lines 45-58).

With regard to claim 4:

Theimer in view of Paul further discloses that said filtering includes among other things comparing contents of the message to filter criteria (Paul, column 8, lines 35-67).

Art Unit: 2173

With regard to claim 5:

Theimer in view of Paul further discloses that said messages contain metadata provided by a source of the messages, and the filtering comprises comparing the metadata to filter criteria. For example, such metadata may include among other things, the filter compares the data (or the metadata) stored in the "TO," FROM," "CC," "BCC," and "SUBJECT" fields of the incoming e-mail messages (Paul, column 7, lines 26-40).

With regard to claim 7:

Theimer in view of Paul discloses that the filtering includes among other things evaluating the messages against a composite of multiple filters. For example the multiple filters may include metadata fields, such as "TO," FROM," "CC," "BCC," and "SUBJECT," wherein the metadata stored in these fields are evaluated or compared to the incoming e-mail messages (Paul, column 7, lines 26-40).

With regard to claim 8:

Theimer in view of Paul further discloses comparing (or evaluating) the messages against a set of one or more filters, further including among other things updating or changing the set of one or more filters in response to changes in the computer user's context. For example the FROM, or SUBJECT category (filter) may be automatically **updated** to reflect any **changes** in the user's e-mail address and/or mailing lists to which the user may subscribe (Paul, column 5, lines 5-17; column 5, lines 39-51).

Art Unit: 2173

With regard to claim 9:

Theimer in view of Paul further discloses an acceptable message survives the filtering, further comprising presenting the acceptable message to the computer user. Theimer in view of Paul further discloses, as illustrated in FIG. 4, In step 410, if the field data from the received message matches a data entry stored in the corresponding category of the inclusion list, the received message is marked with a first display code indicating that the status of the message is "OK" (message survives the filtering) for viewing (Paul, column 8, lines 17-34).

With regard to claim 10:

Theimer in view of Paul further discloses delaying (in storage) message for later presentation (Theimer, column 25, lines 46-67).

With regard to claim 11:

Theimer in view of Paul further discloses evaluating whether to present the acceptable message to the computer user (Theimer, column 25, lines 46-51).

With regard to claim 12:

Theimer in view of Paul further discloses evaluating, based on the user's context, whether to present the acceptable message to the computer user (Theimer, column 25, lines 17-67).

With regard to claim 13:

Theimer discloses a user receiving a message at his own computing device (column 25, lines 12-26). Although Theimer describes in the step in box 432 (Fig) **evaluating** the message based on the context of the recipient and the

Art Unit: 2173

priority of the message, but Theimer does not explicitly describe "filtering" that is "selecting, a set of one or more filters to apply to the message."

Paul on the other hand describes a system and method for filtering unsolicited electronic mail message using data matching and heuristic processing (abstract). Paul further discloses selecting, based on the user's context, a set of one or more filters to apply to the messages (Paul, column 5, lines 5-17; column 5, lines 39-51).

Paul and Theimer are analogous art because they are from the same field of endeavor, electronic message processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the electronic messages of Theimer a filter mechanism as specified by Paul.

The suggestion/motivation for doing so would have been to effectively filtering and eliminating electronic unsolicited mail messages (Abstract, column 2, lines 1-19).

Therefore it would have been obvious to combine Theimer with Paul to obtain the invention as specified in claim 13.

With regard to claim 14:

Theimer in view of Paul further discloses selecting a different set of one or more filters in response to changes in the user's context. For example the FROM, or SUBJECT category (filter) may be automatically **updated** (selecting different filters) to reflect any **changes** in the user's e-mail address and/or mailing lists to which the user may subscribe (Paul, column 5, lines 5-17; column 5, lines 39-51).

Art Unit: 2173

With regard to claim 15:

Theimer in view of Paul further discloses filtering the message using the set of one or more filters, for example the FROM, or SUBJECT category (filter) may be used to filter the incoming messages (Paul, column 5, lines 5-17; column 5, lines 39-51).

With regard to claim 16:

Theimer in view of Paul further discloses that said message survives the set of one or more filters also presenting the message to the user. As illustrated in FIG. 4, In step 410, if the field data from the received message matches a data entry stored in the corresponding category of the inclusion list, the received message is marked with a first display code indicating that the status of the message is "OK" (message survives the filtering) for viewing (Paul, column 8, lines 17-34).

With regard to claim 17:

Theimer in view of Paul further discloses that the message survives the set of one or more filters, further includes among others storing the message for delayed presentation to the user As illustrated in Fig. 4, Theimer in view of Paul further discloses delaying (in storage) message for later presentation (Theimer, column 25, lines 46-67).

With regard to claim 18:

Theimer in view of Paul further discloses evaluating, based on the user's context, whether to present the acceptable message to the computer user (Theimer, column 25, lines 17-67).

Art Unit: 2173

With regard to claim 19:

Theimer discloses a plurality of agents, wherein a user agent collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (column 8, lines 45-58; column 9, lines 21-40; 42-49).

Theimer further discloses evaluating, based on the user's context, whether to present the accepted messages to the user or delay presentation of the accepted messages to the user (Theimer, column 25, lines 17-67).

But Theimer does not explicitly disclose receiving multiple unsolicited messages at the computing device. Since Theimer does not explicitly describe that the user profile or user policies disclosed acts as filtering, therefore, Theimer does not disclose "selecting, based on the user's context, a set of one or more filters to apply to the messages, and similarly, Theimer does not disclose filtering the messages using the set of filters to selectively block certain messages while allowing other accepted messages.

Paul, on the other hand discloses the above shortcomings. Paul discloses a method for filtering unsolicited electronic mail message using data matching and heuristic processing (Paul, abstract). Paul further discloses selecting, based on the user's context, a set of one or more filters to apply to the messages, and similarly, Paul does disclose filtering the messages using the set of filters to selectively block certain messages while allowing other accepted messages (Paul, column 5, lines 5-17; column 5, lines 39-51).

Art Unit: 2173

Paul and Theimer are analogous art because they are from the same field of endeavor, electronic message processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the electronic messages of Theimer a filter mechanism as specified by Paul.

The suggestion/motivation for doing so would have been to effectively filtering and eliminating electronic unsolicited mail messages (Paul, Abstract, column 2, lines 1-19).

Therefore it would have been obvious to combine Theimer with Paul to obtain the invention as specified in claim 19.

With regard to claim 20:

Theimer in view of Paul further discloses that the user agent collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (Theimer, column 8, lines 45-58; column 9, lines 21-40; 42-49), wherein tracking (or monitoring) includes among other things at least monitoring a physical environment of the computer user (Theimer, column 8, lines 45-58).

With regard to claim 21:

Theimer in view of Paul further discloses that said filtering includes among other things comparing contents of the message to filter criteria (Paul, column 8, lines 35-67).

With regard to claim 22:

Theimer in view of Paul further discloses that said messages contain

Art Unit: 2173

metadata provided by a source of the messages, and the filtering comprises comparing the metadata to filter criteria. For example, such metadata may include among other things, the filter compares the data (or the metadata) stored in the "TO," "FROM," "CC," "BCC," and "SUBJECT" fields of the incoming e-mail messages (Paul, column 7, lines 26-40).

With regard to claim 30:

Theimer in view of Paul further discloses multiple filters, and the software module is configured to choose a set of the filters according to the user's environmental conditions and to apply the set of filters to the messages (Paul, column 5, lines 5-17; column 5, lines 39-51).

With regard to claim 31:

Theimer in view of Paul further discloses multiple filters, and the software module is configured to choose a different set of filters in response to changes in the user's environmental conditions (Paul, column 7, lines 26-40).

With regard to claim 34:

Theimer discloses an architecture (Fig. 2) including among others one or more sensors (active badges or GPS) to detect parameters describing a context of a user of a computing device (Paul, column 8, lines 45-58).

While Theimer discloses user's policies, but Theimer does not explicitly disclose that said policies act as filters, thus, Theimer does not explicitly disclose "a filtering system configured to filter unsolicited messages received at the computing device based on the user's context."

Art Unit: 2173

Paul on the other hand discloses a filtering system configured to filter unsolicited messages received at the computing device based on the user's context Paul, (Abstract).

Paul and Theimer are analogous art because they are from the same field of endeavor, electronic message processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the electronic messages of Theimer a filter mechanism as specified by Paul.

The suggestion/motivation for doing so would have been to effectively filtering and eliminating electronic unsolicited mail messages (Paul, Abstract, column 2, lines 1-19).

Therefore it would have been obvious to combine Theimer with Paul to obtain the invention as specified in claim 34.

With regard to claim 35:

Theimer in view of Paul further discloses applying a composite of multiple filters to the unsolicited messages, each filter having a different set of criteria with which to evaluate the unsolicited messages. For example, some of the filter criteria include message sender (FROM) field, and a content (SUBJECT) field (Paul, column 7, lines 26-40).

With regard to claim 36:

Theimer in view of Paul further discloses a user's context module to ascertain a user's context from data representative of various conditions of the user's environment; Paul further discloses multiple filters (Paul, column 7, lines

Art Unit: 2173

26-40); and a characterization module to evaluate the messages based on the user's context and to apply a set of the filters to the messages (column 2, lines 1-19, column 4, lines 12-24).

With regard to claim 37:

Theimer in view of Paul further discloses distributing information to a plurality of small hand held mobile devices (e.g., Tabs and Pads) which may be called as wearable computers (Theimer, Fig. 2, column 6, lines 28-45) that can be worn by the user. For example Tabs and Pads are held (worn) in hand.

With regard to claim 38:

Theimer in view of Paul further discloses a computer readable medium (Fig.1) storing computer-executable instructions to perform ascertain a user context from data representative of various condition of the user's environment. For example, as described in Theimer agents that may consist several modules (a user's context module and a characterization module) are responsible for implementing the agents responsibilities for specific applications or performing specific operations, such as characterizing information to determine (ascertain) user's context (location data, environmental data or electronic data) and to evaluate the message the user receives (Theimer, column 8, lines 27-58; column 23, lines 25-34).

While Theimer discloses user's policies, but Theimer does not explicitly disclose that said policies act as filters, thus, Theimer does not explicitly disclose filtering unsolicited messages based on the user's context."

Art Unit: 2173

Paul on the other hand discloses a filtering system configured to filter unsolicited messages received at the computing device based on the user's context (Abstract). Paul further discloses that the one or more messages include among other things unsolicited messages or advertisements (Paul, Abstract).

Paul and Theimer are analogous art because they are from the same field of endeavor, electronic message processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the electronic messages of Theimer a filter mechanism as specified by Paul.

The suggestion/motivation for doing so would have been to effectively filtering and eliminating electronic unsolicited mail messages (Abstract, column 2, lines 1-19).

Therefore it would have been obvious to combine Theimer with Paul to obtain the invention as specified in claim 38.

With regard to claim 39:

Theimer in view of Paul further discloses storing computer-executable instructions that, when executed, direct a computer to compare the messages to criteria in a composite of multiple filters (column 2, lines 49-59). Theimer in view of Paul further discloses applying a composite of multiple filters to the unsolicited messages, each filter having a different set of criteria with which to evaluate the unsolicited messages. For example, some of the filter criteria include message sender (FROM) field, and a content (SUBJECT) field (Paul, column 7, lines 26-40).

Art Unit: 2173

With regard to claim 41:

Theimer in view of Paul further discloses comparing (or evaluating) the messages against a set of one or more filters, further including among other things updating or changing the set of one or more filters in response to changes in the computer user's context. For example the FROM, or SUBJECT category (filter) may be automatically **updated** to reflect any **changes** in the user's e-mail address and/or mailing lists to which the user may subscribe (Paul, column 5, lines 5-17; column 5, lines 39-51).

With regard to claim 42:

Theimer in view of Paul further discloses storing computer-executable instructions that, when executed, direct a computer to present messages that survive filtering. Theimer in view of Paul further discloses, as illustrated in FIG. 4, In step 410, if the field data from the received message matches a data entry stored in the corresponding category of the inclusion list, the received message is marked with a first display code indicating that the status of the message is "OK" (message survives the filtering) for viewing (Paul, column 8, lines 17-34).

With regard to claim 43:

Theimer in view of Paul further discloses storing computer-executable instructions that, when executed, direct a computer to determine, based on the user's context, whether to present acceptable messages that survive filtering or store the acceptable messages for delayed presentation. Theimer in view of Paul further discloses delaying (in storage) message for later presentation (Theimer, column 25, lines 46-67).

Art Unit: 2173

With regard to claim 44:

Theimer discloses a system (Fig. 2) for selectively delivering electronic messages to an identified user via particular computer devices based on the context of the user (see Theimer, column 4, lines 28-42), the method includes, among other things a user is represented in a system by UserAgent, likewise device in the system is represented by a DeviceAgent. The user agent collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (column 8, lines 45-58; column 9, lines 21-40; 42-49).

Although Theimer describes in the step in box 432 (Fig. 4) ***evaluating*** the message based on the context of the recipient and the priority of the message, but Theimer does not explicitly describe "filtering" that is, Theimer does not describe that the user policies act as filters in processing the messages or requests from a user, therefore, "filtering means for filtering unsolicited messages based on the user's context" is not disclosed.

Paul on the other hand describes a system and method for filtering unsolicited electronic mail message using data matching and heuristic processing (abstract).

Paul and Theimer are analogous art because they are from the same field of endeavor, electronic message processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the electronic messages of Theimer a filter mechanism as specified by Paul.

Art Unit: 2173

The suggestion/motivation for doing so would have been to effectively filtering and eliminating electronic unsolicited mail messages (Abstract, column 2, lines 1-19).

Therefore it would have been obvious to combine Theimer with Paul to obtain the invention as specified in claim 44.

With regard to claim 45:

Theimer in view of Paul further discloses that the user agent collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (Theimer, column 8, lines 45-58; column 9, lines 21-40; 42-49), wherein tracking (or monitoring) includes among other things at least monitoring a physical environment of the computer user (Theimer, column 8, lines 45-58).

With regard to claim 46:

Theimer in view of Paul further discloses that said messages contain metadata provided by a source of the messages, and the filtering comprises comparing the metadata to filter criteria. For example, such metadata may include among other things, the filter compares the data (or the metadata) stored in the "TO," FROM," "CC," "BCC," and "SUBJECT" fields of the incoming e-mail messages (column 7, lines 26-40).

With regard to claim 48:

Theimer in view of Paul further discloses comparing (or evaluating) the messages against a set of one or more filters, further including among other things updating or changing the set of one or more filters in response to changes

Art Unit: 2173

in the computer user's context. For example the FROM, or SUBJECT category (filter) may be automatically **updated** to reflect any **changes** in the user's e-mail address and/or mailing lists to which the user may subscribe (Paul, column 5, lines 5-17; column 5, lines 39-51).

With regard to claim 49:

Theimer in view of Paul further discloses presentation evaluation means for evaluating, based on the computer user's context, whether to present acceptable messages that survive the filtering means to the computer user. Theimer in view of Paul further discloses evaluating whether to present the acceptable message to the computer user (Theimer, column 25, lines 46-51).

With regard to claim 54:

Theimer in view of Paul further discloses that the one or more messages include among other things unsolicited advertisements (Paul, Abstract).

8. Claims 60-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (US Pat No 5,493,692) in view of Goldberg et al (US Pat No 6,264,560).

With regard to claim 60:

Theimer discloses a method for selectively delivering electronic messages to an identified user via particular computer devices based on the context of the user (see Theimer, column 4, lines 28-42), the method includes, among other things a user is represented in a system by UserAgent, likewise device in the system is represented by a DeviceAgent The user agent collects, manages, and

Art Unit: 2173

tracks (monitors) all kind of information (for example, location and environment) about its associated user (column 8, lines 45-58; column 9, lines 21-40; 42-49).

Theimer further discloses the user agent receiving one or more messages (information) from different sources, such as, for example, a user's location from badge service, Input monitor service or from any other service (GPS)(column 8, lines 45-58). Theimer further discloses delivering the received messages to the user (column 8, lines 45-58).

While Theimer discloses the monitoring, receiving and presenting step as specified in the claim, but Theimer does not specify "game information."

Goldberg, on the other hand, discloses a method for playing games on a network. Goldberg's game playing method further includes game information presented to the user/player (column 4, lines 4-17, column 8, lines 20-38).

Goldberg and Theimer are analogous art because they are from the same field of endeavor that is information processing based on the context of the user/player.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substitute the game information of Goldberg with message information of Theimer because since many players have an interest in playing games over the network, it would also be desirable to have a way to benefit from interests in such games (Goldberg, column 1, lines 41-51).

Therefore it would have been obvious to combine Theimer in view of Goldberg to obtain the invention as specified in claim 60.

Art Unit: 2173

With regard to claim 61:

Theimer in view of Goldberg discloses Theimer discloses distributing information to a plurality of small hand held mobile devices (e.g., Tabs and Pads), which may be called as wearable computers (fig. 2, column 6, lines 28-45) that can be worn by the user. For example Tabs and Pads are held (worn) in hand, wherein the tabs and pads include display to present game information.

With regard to claim 62:

Theimer in view of Goldberg further discloses modifying functionality provided to the user based on the monitored computer user's context (column 8, lines 45-58; column 9, lines 21-40; 42-49).

With regard to claim 63:

Theimer in view of Goldberg discloses a user agent that collects, manages, and tracks (monitors) all kind of information (for example, location and environment) about its associated user (Theimer, column 8, lines 45-58; column 9, lines 21-40; 42-49).

With regard to claim 64:

Theimer in view of Goldberg discloses a user agent that collects, manages, modifies and tracks (monitors) all kind of information (for example, location and environment) about its associated user; and game information is presented accordingly (Theimer, column 8, lines 45-58; column 9, lines 21-40; 42-49).

With regard to claim 65:

Art Unit: 2173

Theimer in view of Goldberg further discloses modifying functionality provided to the user based on the monitored computer user's context (column 8, lines 45-58; column 9, lines 21-40; 42-49).

With regard to claim 66:

Theimer in view of Goldberg further discloses presenting the indicated game information in a manner that is integrated with real world information (such as location indicated via GPS) that is perceived by the user functionality provided to the user based on the monitored computer user's context (column 8, lines 45-58; column 9, lines 21-40; 42-49).

With regard to claims 67-69:

Theimer in view of Goldberg further discloses gathering and sharing monitored computer user's context information with other players and observers of the game. Theimer in view of Goldberg further discloses devices, such as those providing **shared** information tailored to the profiles of users in close proximity to the device, may **share** ownership and mediate between the needs and desires of a number of users at one time (Theimer, column 26, lines 12-18).

9. Claims 6, 23, 40, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (US Pat No 5,493,692) in view of Paul US Pat No 5,999,932). Lang et al (US Pat No 5,867,799).

With regard to claims 6, 23,40, 47:

Theimer in view of Paul discloses comparing the metadata to filter criteria (column 7, lines 26-40, column 8, lines 35-43). While Theimer in view of Paul

Art Unit: 2173

further discloses filtering, but Theimer in view of Paul doesn't teach that the filtering includes parsing the messages to produce metadata.

On the other hand, Lang discloses parsing the messages to produce metadata as claimed in the above claims (Lang, column 18, lines 22-38).

Theimer, Paul and Lang are analogous art because they are from the same field of endeavor that is electronic messaging.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the parsing messages as specified in Lang with messages of Theimer in view of Paul.

The suggestion/motivation for doing so would have been to provide provides rapid, efficient data reduction and routing, or filtering, to the appropriate member client (Lang, column 18, lines 22-38).

Therefore it would have been obvious to combine Theimer in view of Paul with Lang to obtain the invention as specified in claims 6, 23, 40 and 47.

Allowable Subject Matter

10. Claims 70 and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is

Art Unit: 2173

(703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu
June 27, 2004

